

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAUL BELLO VARGAS,

Petitioner,

V.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Respondents.

NO. C14-988-MJP-JPD

REPORT AND RECOMMENDATION

Petitioner was one of approximately 30 *pro se* immigration detainees at the Northwest Detention Center who sought to bring a class action related to voluntary departure and reinstatement of removal procedures, among other things. *See Monge-Piedra v. Dep’t of Homeland Sec.*, Case No. 14-457-TSZ-MAT, Dkt. 2-1 (W.D. Wash. 2014). That action was broken into individual actions, and petitioner’s proposed habeas petition pursuant to 28 U.S.C. § 2241 was filed under the instant cause number.

On July 2, 2014, the Clerk mailed petitioner a letter notifying him that he was required to either pay the \$5 filing fee or submit an application to proceed *in forma pauperis* by August 1, 2014. Dkt. 3. On July 14, 2014, the Clerk's letter was returned as undeliverable. Dkt. 4.

1 To date, petitioner has not paid the filing fee, submitted an *in forma pauperis* application, or
2 provided the Court with an updated address.

3 Pursuant to Local Civil Rule 41(b), *pro se* parties are required to keep the Court and
4 opposing parties advised of their current mailing address. Local Rules W.D. Wash. LCR
5 41(b). If mail sent to a *pro se* petitioner by the Clerk is returned as undeliverable, and if the
6 petitioner fails to notify the Court and opposing parties of his or her current mailing address
7 within 60 days of the mail being returned as undeliverable, the Court may dismiss the action
8 without prejudice for failure to prosecute. *Id.* Here, more than 60 days have passed since the
9 Clerk's letter was returned as undeliverable. Accordingly, the Court recommends that
10 petitioner's amended habeas petition and this action be DISMISSED without prejudice for
11 failure to prosecute. *See* Local Rules W.D. Wash. LCR 41(b). A proposed Order accompanies
12 this Report and Recommendation

13 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
14 served upon all parties to this suit by no later than **October 9, 2014**. Failure to file objections
15 within the specified time may affect your right to appeal. Objections should be noted for
16 consideration on the District Judge's motion calendar for the third Friday after they are filed.
17 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
18 timely objections are filed, the matter will be ready for consideration by the District Judge on
19 **October 10, 2014**.

20 DATED this 18th day of September, 2014.

21 
22 JAMES P. DONOHUE
23 United States Magistrate Judge
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